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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THE 16TH DAY OF JANUARY 1998

BEFORE

THE HON'BLE MR. JUSTICE Y. BHASKAR RAO

CIVIL REVISION PETITION NO.2568/1997

Smt. Rudramma, aged 55 years,

W/o Sri. G. Honnachari,

No.224, I Stage, Basaveswaranagar,

Bangalore 560 079.

..PETITIONER.

(By Sri. P.K. Vijay, Adv. for Petitioner)

-Vs-

1. Smt. Muniamma, aged

75 years, W/o late Nanjundachari,

C/o Veerabhadrachari,

Janatha Colony, Yaranda

Halli, Hennagara Post,

Jigani Hobli, Anekal

Taluk, Bangalore Dist.

2. Smt. Basamma, aged 57 years,

W/o Rudrachari, Yarandahalli,

Hennagara Post, Jigani

Hobli, Anekal Taluk,

Bangalore Dist. Pin 562 106.

..2..

3. Sri. N. Gangadharachari,
aged 53 years, S/o late
Nanjundachari, No.539/F,
3rd Main Road, 6th Block,
Koramangala, Bangalore-560 034.

4. Sri. Veerabhadrachari,
aged 49 years, S/o late
Nanjundachari, Janatha
Colony, Yarandahalli,
Hennagara Post, Jigani Hobli,
Anekal Taluk, Bangalore Dist.
Pin - 562 106.

..RESPONDENTS.

(By Sri. G.A. Viswanatha Reddy, Adv. for R-1 to 4)

* * *

Civil Revision Petition is filed U/S 115 of
CPC against the order dated 19.1.1995 passed in
O.S.No.181/1992 on the file of the Munsiff
(Civil Judge, Jr.Dn.) Anekal.

This Civil Revision Petition coming on for
ADMISSION this day, the Court made the following:-

ORDER

This is a revision filed against order of the
court below refusing to implead bank as one of
the defendant. The case of the plaintiff is that,

the plaintiff-petitioner filed suit for partition claiming share in the disputed property and also obtained interim injunction pending suit not to alienate the land or to encumber or damage the land. After notice is served, defendant obtained loan from the bank on the disputed property encumbering the said property, therefore he filed IA for contempt, same is pending.

As bank has granted loan pending suit, he filed present suit to implead bank. Court below erred in not impleading bank.

Bank granted loan to defendants not claiming any right over the land. If the defendants demand loan violating order of court below it is for petitioner to go for contempt and court below will also proceed in accordance with law. I do not see any ground to interfere with order of court below.

Hence, petition stands dismissed.

Sd/-

JUDGE.

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Lor

Ty by: GM

C by: *B*

R by: *CR*

Assistant Registrar
High Court of Karnataka
Bangalore-560 001

2/12/98

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